

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF OHIO  
3 WESTERN DIVISION

4 UNITED STATES OF AMERICA, Docket No. 3:15CR24

5 Plaintiffs, Toledo, Ohio

6 v. June 29, 2016

7 ANA ANGELICA PEDRO JUAN,

8 Defendants.

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10 TRANSCRIPT OF CHANGE OF PLEA HEARING  
11 BEFORE THE HONORABLE JAMES G. CARR  
12 UNITED STATES DISTRICT JUDGE

13 APPEARANCES:

14 For the Plaintiffs: Bridget M. Brennan  
15 Office of the U.S. Attorney  
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18 (216) 622-3752

19 For the Defendant:  
20 Merl R. Dech, Jr.  
21 610 Adams Street, 2nd Floor  
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24 Court Reporter: Angela D. Nixon, RMR, CRR  
25 1716 Spielbusch Avenue  
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Interpreter: Ellen Donohue

1           COURTROOM DEPUTY: Case before The Court is  
2   15CR24, United States of America versus Ana Angelica Pedro  
3   Juan.

4           THE COURT: Okay. Representing the government?

5           MS. BRENNAN: Good morning, Your Honor, Bridget  
6   Brennan on behalf of the United States.

7           THE COURT: And you are stationed where?

8           MS. BRENNAN: Assistant U.S. Attorney in  
9   Cleveland.

10          THE COURT: Cleveland, I thought so.

11          And for the defendant?

12          MR. DECH: Good afternoon, Judge. Merl Dech on  
13   behalf of defendant Ana Juan Pedro.

14          THE COURT: Okay. And Ms. Ellen Donahue is the  
15   interpreter, okay. And have you previously been sworn?

16          INTERPRETOR: Okay. Good.

17          THE COURT: And please explain to the defendant,  
18   who is also present, that I will try to proceed fairly  
19   slowly so that you are able to interpret for her, that you  
20   will let me know if I'm going -- I or somebody else is  
21   going too quickly. And if she doesn't understand  
22   something, she should let you know, and I will undertake to  
23   make whatever the problem is, or the uncertainty is, clear  
24   so that she does understand everything, because it's very  
25   important that you do understand everything. And Mr. Dech,

1     why don't you -- you can remain -- it's very important that  
2     you understand everything, and that what is happening is  
3     what you expect to happen, and what you want to happen. Do  
4     you understand that?

5                 THE DEFENDANT: Yes.

6                 THE COURT: Okay. And I'm going to ask both  
7     government and defense counsel to please make sure that I  
8     touch all bases and connect all the dots on the plea  
9     colloquy. Actually, let me tell you the different steps.

10                First, I want to confirm that you are able to  
11     plead, that is that your mind is clear and that you're  
12     confident -- that you are confident that you understand  
13     what's occurring.

14                Second, I will advise you of the charge or  
15     charges against you and the consequences of conviction. In  
16     other words, the sentence that is potential if the  
17     government or your lawyer have calculated how the  
18     sentencing guidelines apply to you. And I will ask them to  
19     tell me that calculation. The guidelines are just that,  
20     guidelines for my decision at sentencing. And I am to take  
21     them into consideration and account, but I can impose  
22     whatever sentence I conclude is appropriate in light of  
23     your individual circumstances, the conduct which you plead  
24     guilty, and what will be a sentence that is sufficient but  
25     not greater than necessary to accomplish the purposes of

1 sentencing.

2           Then I will ask you some questions to confirm  
3 that your plea is voluntary, that is it's what you have  
4 decided to do, that you've not been threatened in any way  
5 or promised anything by the government or anybody else to  
6 cause you to plead guilty. Once I conclude that your plea  
7 is knowing, intelligent and voluntary, that is you know and  
8 understand what you are pleading to, it's intelligent in a  
9 sense that you are able to think clearly and enter a plea  
10 and voluntary, I will ask you what your plea is. The  
11 government also, or your lawyer will advise me of the  
12 general terms and conditions of your plea agreement. And  
13 once all that has occurred, I will ask you what your plea  
14 is. And then I will ask the government, and perhaps  
15 yourself or your attorney, to tell me what you did that  
16 constitutes a violation of the law so that I know that, in  
17 fact, there's a factual basis for concluding that you did  
18 break the law to which you are pleading guilty, and  
19 therefore, you are, in fact, guilty.

20           And if I find a factual basis, I will accept your  
21 plea of guilty and tell you about the next steps of the  
22 process. Do you understand that?

23           THE DEFENDANT: Yes.

24           THE COURT: And also, in a few moments at the  
25 outset, I will advise you of your basic rights, and of the

1 fact that you are giving up all those rights except your  
2 right to counsel without cost to you. And that right stays  
3 with you throughout the entire proceeding regardless of  
4 whether you've pled guilty or been found guilty by a jury.  
5 Do you understand all that?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. Have you -- let me strike  
8 that.

9 When was the last time you consumed any alcohol,  
10 if any, if ever?

11 THE DEFENDANT: I've never had any alcohol.

12 THE COURT: Okay. Have you ever used any drug  
13 like marijuana, cocaine, methamphetamine, anything of that  
14 sort? I don't assume that you have, but I just want to  
15 make sure you're not under the influence of anything of  
16 that sort here today.

17 THE DEFENDANT: None of them.

18 THE COURT: Okay. Are you taking any medication  
19 of any kind?

20 THE DEFENDANT: Today?

21 THE COURT: Or recently?

22 THE DEFENDANT: I'm taking medicine to sleep.  
23 That's all.

24 THE COURT: Okay. Is it having any effect on  
25 your ability to understand and think and communicate?

1 THE DEFENDANT: No.

2 THE COURT: Okay. Are you under any sort of  
3 treatment for any sort of mental condition that might  
4 affect your judgment?

5 THE DEFENDANT: No.

6 THE COURT: Okay. Unless either attorney thinks  
7 that there's anything further that I should ask with regard  
8 to competence to plead, I will find that the defendant is  
9 competent to plead?

10 MS. BRENNAN: Nothing on behalf of the  
11 government.

12 MR. DECH: Nothing on behalf of the defendant,  
13 Your Honor.

14 THE COURT: And now I will ask that the defendant  
15 be sworn in by the clerk.

16 ANA ANGELICA PEDRO JUAN,  
17 was herein, called as if upon examination, was first duly  
18 sworn, as hereinafter certified, and said as follows:

19 THE DEFENDANT: Yes.

20 THE COURT: Okay. Very good. And your answers  
21 to my initial questions were also truthful; is that  
22 correct?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay. Do you understand that if you  
25 don't tell me the truth while under oath, the government

1 can further prosecute you for perjury?

2 THE DEFENDANT: Yes.

3 THE COURT: Okay. Do you understand that you  
4 have the right to persist in your plea of not guilty and to  
5 have a trial?

6 THE DEFENDANT: Yes.

7 THE COURT: Okay. And do you understand that the  
8 trial could be before a jury --

9 THE DEFENDANT: Yes.

10 THE COURT: -- rather than just one Judge?

11 THE DEFENDANT: Yes.

12 THE COURT: Do you understand that you would have  
13 the right, if there were a trial, to be present at all  
14 times --

15 THE DEFENDANT: Yes.

16 THE COURT: -- to confront, that is to review and  
17 be in the presence of any witnesses against you --

18 THE DEFENDANT: Yes.

19 THE COURT: -- to have those witnesses cross  
20 examined by your lawyer?

21 THE DEFENDANT: Yes.

22 THE COURT: Do you understand that if there were  
23 a trial, nobody could make you take the stand and testify?

24 THE DEFENDANT: Yes.

25 THE COURT: In other words, you have the right to

1     assert a privilege -- privilege against compelled self  
2     incrimination?

3             THE DEFENDANT:   Yes.

4             THE COURT:   Do you also understand that it's the  
5     government's job to present evidence sufficient for a jury  
6     to find you guilty?

7             THE DEFENDANT:   Yes.

8             THE COURT:   And you have no obligation whatsoever  
9     to help the government in that regard.

10            THE DEFENDANT:   Yes.

11            THE COURT:   And also, do you understand that you  
12     could, if you chose to put on a defense, which is entirely  
13     up to you, that --

14            THE DEFENDANT:   Yes.

15            THE COURT:   -- witnesses could be compelled to  
16     come to court to help you present the defense?

17            THE DEFENDANT:   Yes.

18            THE COURT:   Okay. Do you understand that a plea  
19     of guilty involves a waiver, that is a giving up of all of  
20     those rights --

21            THE DEFENDANT:   Yes.

22            THE COURT:   -- except the right to counsel? Your  
23     plea of guilty does not affect that right.

24            THE DEFENDANT:   Yes.

25            THE COURT:   And you can and will continue to have



1 the assistance of Mr. Dech or another competent attorney.

2 THE DEFENDANT: Yes.

3 THE COURT: Do you also understand that as part  
4 of your plea of guilty, you are giving up your right to  
5 appeal your conviction and sentence --

6 THE DEFENDANT: Yes.

7 THE COURT: -- or otherwise to challenge it  
8 thereafter?

9 THE DEFENDANT: Yes.

10 THE COURT: And that the only basis for appeal  
11 would be if I were to impose a sentence in excess of what  
12 the law permits me to impose?

13 THE DEFENDANT: Yes.

14 THE COURT: And I'll ask the prosecutor now to  
15 state the nature of each of the charges against you to  
16 which you are pleading guilty and the consequences of  
17 conviction of each of those charges.

18 MS. BRENNAN: Thank you, Your Honor. The  
19 defendant has agreed, pursuant to this plea agreement, to  
20 plead guilty to Count 1, which is a violation of Title 18,  
21 United States Code 1594, which is a conspiracy to commit  
22 forced labor offense. The maximum term of imprisonment is  
23 20 years; the maximum statutory fine is \$250,000; the  
24 maximum period of supervised release is three years; and  
25 the special assessment is \$5,000, Your Honor.

1 THE COURT: \$5,000?

2 MS. BRENNAN: Yes, Your Honor. That's in the  
3 amendment.

4 THE COURT: And have you computed the potential  
5 guideline range?

6 MS. BRENNAN: Yes, Your Honor. Based on the  
7 calculation the parties agree to, before acceptance of  
8 responsibility the defendant would be at a 29. Would The  
9 Court like me to go through the calculation?

10 THE COURT: No, that's okay. Criminal history  
11 category of one, I assume?

12 MS. BRENNAN: Yes, that's what we assume as well.

13 THE COURT: Okay. And do you understand that --  
14 and what's the guideline range -- excuse me, with  
15 acceptance of responsibility what's the guideline range?

16 MS. BRENNAN: Sure. It would be 63 to 78 with  
17 acceptance of responsibility.

18 THE COURT: Okay. And as I mentioned, the  
19 guideline range is simply advisory. It suggests to me what  
20 others who have pled to or been found guilty of a similar  
21 offense have received by way of sentence of imprisonment.  
22 Do you understand that?

23 THE DEFENDANT: Yes.

24 THE COURT: I can be more or less severe, but I  
25 cannot order you imprisoned for more than 20 years. Do you

1 understand that?

2 THE DEFENDANT: Yes.

3 THE COURT: And do you also understand that upon  
4 your release from whatever term of imprisonment I impose,  
5 you will be deported back to your home country. Do you  
6 understand that?

7 THE DEFENDANT: Yes.

8 THE COURT: There's no property to be forfeited,  
9 or is there?

10 MS. BRENNAN: Not with respect to this defendant,  
11 Your Honor.

12 THE COURT: And there's no -- I do have  
13 authority -- excuse me. Do you understand that I can order  
14 restitution for any economic losses that the victims  
15 incurred?

16 THE DEFENDANT: Yes.

17 THE COURT: And I do have to impose the special  
18 assessment of \$5,000.

19 And that at time of sentencing I have to consider  
20 various factors as required by law. Among those are your  
21 history, background and circumstances; individual  
22 deterrence, that is a sentence that hopefully causes you to  
23 never violate our law again; public deterrence, that is a  
24 sentence that hopefully causes others not to do what you  
25 did; a sentence that enhances respect for the law, and that

1 others would view as just. Do you understand that those  
2 are among the things I have to consider?

3 THE DEFENDANT: Yes.

4 THE COURT: Okay. What are the terms of the plea  
5 agreement?

6 MS. BRENNAN: Your Honor, the defendant has  
7 agreed to plead guilty to Count 1. The government has  
8 agreed to dismiss the following counts at the time of  
9 sentencing, those would be 2 through 7, 9, 10, 12 and 13 of  
10 the superseding indictment.

11 As I indicated prior, Your Honor, the guideline  
12 calculation that the government and the defendant have  
13 agreed to would put the defendant, before acceptance of  
14 responsibility, at a total offense level of 29.

15 With respect to the appeal provision, Your Honor,  
16 I would point out that there are two bases for appeal in  
17 this instance. One would be a sentence greater than the  
18 statutory maximum, but then the other one was if there's a  
19 dispute with respect to the criminal history computations.

20 THE COURT: Okay.

21 MS. BRENNAN: That was just -- the defendant has  
22 agreed to a waiver of the statute of limitations. And that  
23 this is the full and complete agreement between the  
24 parties.

25 If The Court would like me to go into anything

1     else, I certainly can.

2                   THE COURT:   Have you had the plea agreement read  
3     to you in Spanish?

4                   THE DEFENDANT:   Yes.

5                   THE COURT:   And did your lawyer go over it with  
6     you either in Spanish or with the help of a Spanish  
7     interpreter?

8                   THE DEFENDANT:   Yes.

9                   THE COURT:   Did he answer any questions you may  
10    have had about it?

11                  THE DEFENDANT:   Yes.

12                  THE COURT:   And are you fully and completely  
13    satisfied that you understand what the agreement says and  
14    the commitments you are making and the commitments the  
15    government is making?

16                  THE DEFENDANT:   Yes.

17                  THE COURT:   Okay.   Are you fully and completely  
18    satisfied that Mr. Dech has undertaken to give you and your  
19    case enough time and attention to prepare both himself and  
20    you for each stage of the proceedings?

21                  THE DEFENDANT:   Yes.

22                  THE COURT:   Is there anything that you asked him  
23    to do while representing you that he failed or refused to  
24    do?

25                  THE DEFENDANT:   No.

1           THE COURT: Is there anything you told him not to  
2 do but he went ahead and did it anyway?

3           THE DEFENDANT: Can you repeat that again,  
4 please?

5           THE COURT: Is there anything that you told him  
6 not to do, don't do that, but he went ahead and disobeyed  
7 your instruction or request and he did -- did it anyway?

8           THE DEFENDANT: No.

9           THE COURT: Okay. Except for -- let me say there  
10 will be a finding that the defendant is aware of her basic  
11 rights, the terms and conditions of her plea agreement and  
12 the mutual commitments in that agreement. She understands  
13 that by entering a guilty plea and signing that agreement,  
14 she is waiving all of her basic rights, including, among  
15 others, the right to trial, confrontation, jury, compulsory  
16 process and self incrimination. That she understands,  
17 however -- and also she's also waiving the right to appeal.  
18 And she understands, however, that she has the right to  
19 counsel without cost to herself throughout this entire  
20 proceeding.

21           THE DEFENDANT: Yes, I understand.

22           THE COURT: Okay. Has the defendant signed the  
23 plea agreement?

24           MR. DECH: We have, Your Honor. If I may  
25 approach, I have it signed --

1           THE COURT: Okay. And I will go ahead and  
2 approve the agreement.

3           Is this what you want to do in this case?

4           THE DEFENDANT: Yes.

5           THE COURT: Has anybody threatened you or  
6 somebody close to you, whether here or in Guatemala or  
7 anyplace else, with any kind of harm or adverse consequence  
8 if you refused to plead guilty and stood trial?

9           THE DEFENDANT: No.

10          THE COURT: Okay. Except for the promises and  
11 commitments that the government has made in the plea  
12 agreement, has anybody, including the government, your  
13 lawyer, a government agent of any sort, or anybody else  
14 promised to give you anything or do anything for you to  
15 cause you to plead guilty and sign the agreement?

16          THE DEFENDANT: No.

17          THE COURT: Okay. So I can conclude that this is  
18 your own independent and free will choice taking into  
19 consideration all the circumstances as you understand them?

20          THE DEFENDANT: Yes.

21          THE COURT: Okay. There will be a finding that  
22 the defendant's plea will be offered knowingly,  
23 intelligently and voluntarily in light of the foregoing  
24 findings. At this time I'll ask the government to --  
25 actually, I'm going to ask the defendant to offer her plea.

1 How do you plead?

2 THE DEFENDANT: Guilty.

3 THE COURT: Okay. Before I can accept that plea,  
4 I must be convinced that there's a factual basis for  
5 finding that you committed the crime with which you are  
6 charged. I'll ask the government to tell me that basis,  
7 and I may have some questions of it or the defendant or her  
8 lawyer.

9 MS. BRENNAN: Thank you very much, Your Honor.

10 The factual basis for the plea is set forth in  
11 paragraph 22 of the parties' plea agreement. I just state  
12 that for the record. But with respect to the terms stated  
13 therein, from in or about March 2013 and continuing to on  
14 or about December 17th, 2014, in the area of Marion, Ohio,  
15 which is within this district, the defendant conspired with  
16 Aroldo Rigoberto Castillo-Serrano, Conrado Salgado Soto and  
17 others, both indicted and unindicted, to knowingly obtain  
18 the labor of illegal aliens by means of a scheme, plan or  
19 pattern intended to cause the victims to believe that if  
20 they did not perform such labor, they or another person  
21 would suffer, quote, serious harm, end quote, as that term  
22 is defined by statute, specifically Section 1589(c)(2).

23 So more specifically, beginning in or around  
24 March of 2013 and continuing, again, until December 17,  
25 2014, the defendant and the others with whom I've listed,



1 provided and obtained labor and services of at least ten  
2 victims, nationals of Guatemala, by the following means:  
3 Force, threats of force, physical restraint and threats of  
4 same to the victims and their families, serious harm or  
5 threats of serious harm to the victims and their families,  
6 the abuse or threatened abuse of legal process, and also a  
7 scheme, plan or pattern intended to cause the victims to  
8 believe that if they did not perform such labor or  
9 services, they would suffer serious harm or physical  
10 restraint.

11 This defendant knowingly benefited financially  
12 from participation in this venture, knowing and in reckless  
13 disregard that the means I just listed would be used to  
14 compel the victims to engage in labor.

15 The time period here begins in at least 2008,  
16 and, again, it continues to December 17th, 2014.  
17 Castillo-Serrano recruited workers in Guatemala promising  
18 them safe passage and remunerative work in the United  
19 States. Castillo-Serrano charged the workers \$15,000 as a  
20 fee for safe passage and travel here to the United States.  
21 Each -- Your Honor, each of the ten victims, and then there  
22 are more victims, but this indictment specifically  
23 identifies ten. He then supervised the collection of money  
24 from the workers and their families. And he also  
25 controlled the set of trailers where these individuals were

1 compelled to live while they were working for Trillium Egg  
2 Farm we've identified in here as the trailers -- it's an  
3 address on Marion-Agosta Road in Marion, Ohio.

4 In 2013, this defendant became aware of  
5 Castillo-Serano's smuggling and trafficking efforts. In  
6 March of 2013, Castillo-Serrano was compelled to go back to  
7 Guatemala. The defendant took over the operation of the  
8 trailers and the supervision of the victims.

9 From in or about March 2013 to throughout  
10 December of 2014, the defendant and Castillo-Serrano spoke  
11 regularly by phone. And the defendant reported to  
12 Castillo-Serrano the status of the victims, including their  
13 housing, their employment, the confiscation of their  
14 paychecks and the amount of debts that they still owed.

15 In or about March 2014, the defendant aided and  
16 abetted Castillo-Serrano in focusing recruitment efforts on  
17 victims who were below the age of 18 for these specific  
18 reasons; they were thought to be easier to smuggle into the  
19 country, thought to be easier to control, and thought to be  
20 harder workers.

21 Defendant falsely represented herself to  
22 immigration officials as the minor victims' relative or  
23 family member in order to have that minor victim released  
24 into her custody. She also raised her other individuals to  
25 do the same, which included paying them money in exchange

1 for making false statements to immigration officials. In  
2 doing so, defendant and the other associates pledged under  
3 oath to ensure the victims went to school and were  
4 protected from abuse.

5 Defendant and Castillo-Serrano compelled the  
6 victims to live in trailers owned or controlled by  
7 Castillo-Serrano in order to keep the victims under the  
8 defendant's control and to have them to pay more money in  
9 the form of rent. So in addition to paying debt, they were  
10 also paying money for rent and other expenses.

11 These trailers were often in substandard  
12 conditions, and the victims were not free to move out of  
13 the trailers until their debts were paid. The victims were  
14 compelled to work for Trillium Farms, which is a Limited  
15 Liability Corporation in Ohio. Trilium owns and operates a  
16 number of large egg farms in the Marion, Ohio area. And  
17 Trillium contracted with a number of privately-held  
18 companies, including Conrado Soto's company, which is  
19 called Papagos, Inc.

20 The victims were compelled to clean chicken  
21 coops, load and unload crates of chickens, debeak the  
22 chickens, and vaccinate chickens. The victims regularly  
23 worked six or seven days a week between eight and 12 hours  
24 a day. The work was physically demanding, dirty and, at  
25 times, unsafe.

1           The minor victims and some adult victims did not  
2   receive paychecks or full cash equivalence for their labor;  
3   but, instead, the contractors delivered their paychecks  
4   directly to the defendant or her associates. The victims  
5   were not given receipts for their paychecks or debt  
6   payments. Defendant kept some of the money obtained from  
7   the victims' paychecks for her own use and transferred the  
8   rest of the money to Castillo-Serrano or his associates.  
9   On certain occasions, defendants -- the defendant would  
10   deny a victim's request to receive more money so that they  
11   could provide for basic living expenses.

12           In or around December of 2014, in the Northern  
13   District of Ohio, Western Division and elsewhere, after the  
14   FBI initiated an investigation into defendant's conduct,  
15   defendant and Castillo-Serrano had at least one telephone  
16   conversation in which they agreed to contact  
17   Castillo-Serrano's juvenile son and persuade him to lie to  
18   the FBI about the defendant's role in this human  
19   trafficking enterprise. Again, at the time of the call,  
20   defendant knew that an FBI investigation was underway.

21           Additionally, during the same time period and  
22   within this district, defendant participated in two  
23   voluntary interviews with the FBI, and -- I'm sorry, an  
24   interpreter was present during those interviews and advised  
25   the defendant that it was a crime to lie to the FBI.

1 Despite the warning, defendant knowingly made numerous  
2 materially false statements to the agents, including: One,  
3 she did not have first-hand knowledge of Castillo-Serano's  
4 smuggling activities; Two, she did not withhold victims'  
5 wages from them; Three, she did not send victims' wages to  
6 a Guatemalan account at the direction of Castillo-Serano;  
7 Four, she did not have a close relationship with  
8 Castillo-Serano; Five, she was not in contact with  
9 Castillo-Serrano; and, Six, she did not advise  
10 Castillo-Serano's son to lie to the FBI. This is a summary  
11 of the factual basis for Count 1, Your Honor. And also it  
12 includes statements that apply to certain adjustments or  
13 sentencing characteristics with respect to the guideline  
14 calculation.

15 THE COURT: Did you hear what the prosecutor just  
16 told me?

17 THE DEFENDANT: Yes.

18 THE COURT: Is that all true, correct and  
19 accurate?

20 THE DEFENDANT: Yes.

21 THE COURT: Now, I'd like you to tell me in sort  
22 of more concrete terms exactly what was going on. Maybe  
23 fill me in a bit about the organization and, you know, the  
24 role she actually played relative to that of others. So  
25 sort of more of a narrative rather than sort of -- in plain

1 English rather than legal English, if you could, just tell  
2 me -- give me the full picture, color it up a little bit.

3 MS. BRENNAN: Certainly, Your Honor. I will do  
4 my best to do that, and if I misspeak I would ask Mr. Dech  
5 to correct me.

6 The defendant was in a romantic relationship with  
7 Castillo-Serrano. And to that end, when he left the  
8 country, she remained in the United States. She worked to  
9 keep up the human trafficking organization that they had  
10 here. She participated in taking children -- or having  
11 children delivered to the egg farm and also making sure  
12 they came back. She assigned them certain trailers within  
13 to live, and she knew that the trailers were in rather  
14 substandard conditions. Some of them did not have running  
15 water, so I can't say that they all had the same --

16 THE COURT: Conditions?

17 MS. BRENNAN: Exactly. But as a general, some of  
18 them did not have heat, some had broken windows. They  
19 were -- there was no bed. If I can remember every picture  
20 correctly, there are just little mats laid out on the  
21 floor, food strewn about, and they were unkept in that  
22 sense.

23 And in December of 2014, in the Northern District  
24 of Ohio -- sorry, did it go off? Is it going now? I think  
25 so.

1           Okay. With respect to the smuggling effort and  
2   getting the children, there is a program that is run  
3   through HSI, and it is --

4           THE COURT: What is that?

5           MS. BRENNAN: So Department of Homeland Security  
6   essentially runs this program, Your Honor. And what it  
7   does is when there are unaccompanied minors being brought  
8   into the United States, there is a program in which family  
9   members, close personal representatives within the United  
10   States, can essentially take on a foster status for them.  
11   So it's very similar to foster children who are U.S.  
12   citizens.

13           Along those lines, the defendant used false  
14   names, and she misrepresented herself to be a person who  
15   could actually take these children in and provide for them.  
16   Like I mentioned, that they would have school, that they  
17   would be taken care of, that they would have adequate  
18   housing, that they would not suffer any form of abuse. So  
19   she lied on these forms. She used false names to do it as  
20   well. When she could not be the only one who was signing  
21   these forms and making these false representations, she  
22   used others to help her in that way. And that's part of  
23   the way that these children ended up coming into the United  
24   States.

25           Once here, she then assisted the effort to make

1     sure that they were brought to Marion, Ohio so they could,  
2     in fact, live in those trailers and work at the egg farm.

3             THE COURT:   Okay.  Did you hear that additional  
4     information she gave me?

5             THE DEFENDANT:  Yes.

6             THE COURT:  So I gather that, for a period of  
7     time at least, she assisted the -- the person with whom  
8     they would be designated, and then she's basically the  
9     principal conducting the overall operations; is that  
10    correct?

11            MS. BRENNAN:  In as much -- and when you say  
12    principal, I can say that he directed things from Guatemala  
13    when he was returned there so she would continue to assist  
14    him.  I don't know that I would ever say that she became  
15    the acting principal.

16            THE COURT:  Okay.  But she remained subject and  
17    subordinate to his direction and control?

18            MS. BRENNAN:  That's our understanding, Your  
19    Honor.

20            THE COURT:  And she actively implemented the  
21    instructions that she got?

22            MS. BRENNAN:  Yes, Your Honor.

23            THE COURT:  Did any of the victims that you've  
24    identified, or any others not named in the indictment but  
25    about whom you are familiar or acquainted, did any of them



1 ever pay off the \$15,000 fee, do you know?

2 MS. BRENNAN: Your Honor, actually that's a very  
3 good question. I don't know that anyone ever did. I'm  
4 looking at Merl, I don't --

5 MR. DECH: I don't know -- Judge, I don't know if  
6 actually it was completely paid off. There was a  
7 collection process through the conspiracy in which money  
8 was collected and then was forwarded back to Guatemala to  
9 pay off the debt for the, quote, coyote.

10 MS. BRENNAN: Your Honor, we did recover records  
11 where you could see that the debt was being --

12 THE COURT: Reduced?

13 MS. BRENNAN: Yes. But if anyone ever actually  
14 paid off, I don't know.

15 THE COURT: Okay. And how much were the victims  
16 being paid on a weekly, monthly -- and were they only  
17 paid -- well, of course they're working -- I assume they're  
18 working 12 months of the year in that kind of operation.  
19 But either an hourly, daily, weekly or whatever basis, how  
20 much were they being paid?

21 MS. BRENNAN: I believe it varied per child, but  
22 it would be a couple hundred to a few hundred dollars per  
23 week. But then a portion of that was designated for the  
24 coyote fee, and a portion of that was designated for rent  
25 to live in these trailers, so a significant portion of it

1 was subtracted. And then some of these children would try,  
2 if they could, to voluntarily send some of the money back  
3 to their families.

4 THE COURT: Okay. And were any of the children  
5 ever allowed to leave, for example, to return to Guatemala  
6 or go elsewhere?

7 MS. BRENNAN: I, at this time, only feel  
8 comfortable speaking to the ones with whom I've spoken and  
9 reviewed their interviews, and they were not permitted to  
10 leave.

11 THE COURT: Okay. So it was, comparatively put,  
12 a form of indentured servitude?

13 MS. BRENNAN: Yes, Your Honor.

14 THE COURT: Okay. Once again, has the defendant  
15 heard and understood; and, if so, does she agree with the  
16 statements of the attorney and the answer to my questions?

17 THE DEFENDANT: Yes.

18 THE COURT: Okay. I'll find there's a factual  
19 basis for the plea. In light of that and the other  
20 findings that I've previously made in this proceeding, I  
21 will accept the plea and find the defendant guilty, subject  
22 to hearing from either attorney as to whether I have missed  
23 anything with regard to the Rule 11 requirements?

24 MS. BRENNAN: No, Your Honor. I think The Court  
25 has been complete. Thank you.

1 THE COURT: Okay. Mr. Dech?

2 MR. DECH: Yeah, I believe so also, Your Honor.

3 THE COURT: Okay. The defendant will be found  
4 guilty. Judgment will be entered accordingly. And the  
5 matter will be continued for purposes of sentencing. And  
6 sentencing will be -- is presently set for June 27th, 2016.  
7 I'm not sure I'll be here then, okay, but if not, it will  
8 be otherwise set. Might be better, Deanna -- I just don't  
9 know my plans, maybe put it around the 4th of July, maybe  
10 July 3rd or day after or whatever. We'll see, but  
11 sentencing will occur in about four months.

12 In the meantime, you'll remain in custody. A  
13 person from the United States Pretrial Service and  
14 Probation Office will meet with you. Where is she  
15 presently detained?

16 MR. DECH: She's at Lucas County Jail, Your  
17 Honor.

18 THE COURT: Is that where she will remain, do you  
19 know?

20 MR. DECH: I believe so.

21 THE COURT: Okay. In any event, a person will --  
22 a probation officer will meet with you to get information  
23 about your history and background, your family, marital  
24 status, if any, children if any, substance abuse,  
25 education, employment records and so forth. You have the

1 absolute right to have your lawyer with you, and obviously  
2 an interpreter as well during that session or sessions.  
3 And I would ask the probation office to notify Mr. Dech in  
4 advance, and then obviously, Mr. Dech, I would recommend  
5 that you be with your client while that interview's being  
6 conducted. The probation officer then will prepare what is  
7 called a Presentence Report. A copy will be provided to  
8 Mr. Dech. He'll go over it with you, with the aid of an  
9 interpreter, to make sure that the information is correct  
10 and there's nothing that should either be added or deleted  
11 from the report. Then a final report, subject to any  
12 corrections, changes or objections by Mr. Dech and  
13 yourself, will be prepared and given to you in advance of  
14 trial. And, once again, Mr. Dech will go over that with  
15 you with the aid of an interpreter before sentencing,  
16 rather. And then the case will be set for sentencing.

17 Anything further on the part of the government?

18 MS. BRENNAN: No, thank you. Your Honor.

19 THE COURT: Mr. Dech?

20 MR. DECH: Nothing further. Thank you, Judge.

21 THE COURT: Okay. That will conclude this  
22 proceeding.

23

24

25

C E R T I F I C A T E

I certify that the foregoing is a correct transcript  
from the record of proceedings in the above-entitled matter.

s:/Angela D. Nixon                      October 9, 2020

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Angela D. Nixon, RMR, CRR              Date